

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND
BILL NO. 07-10

Introduced by: Council Members Guthrie and McMahan

Legislative Day No. 07-07 Date: March 6, 2007

AN ACT to repeal and reenact, with amendments, Subsection A(3)(a) Schools, and Subsection B(1), all of Section 267-104, Adequate public facilities, of Article XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of the Harford County Code, as amended; and to repeal and reenact, with amendments, Subsection B(2)(a), Schools, of Section 267-104, Adequate public facilities, of Articles XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of County Council Bill 07-01, as amended, as enacted by the Council on February 6, 2007; to provide that the state rated capacity be used to determine the capacity of schools facilities; and generally relating to school adequacy standards.

By the Council, March 6, 2007

Introduced, read first time, ordered posted and public hearing scheduled

on: April 3, 2007

at: 6:15p.m

By order: Barbara J. O'Connor, Council Administrator
PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on April 3, 2007, and concluded on April 3, 2007.

Barbara J. O'Connor Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language Lined through indicates matter stricken out of Bill By amendment.

Bill No. 07-10

Section 1. Be It Enacted by the County Council of Harford County, Maryland, that Subsection A (3)(a), Schools, and Subsection B(1), all of Section 267-104, Adequate public facilities, of Article XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of the Harford County Code, as amended, be, and they are hereby, repealed and reenacted, with amendments; and that Subsection B (2)(a), Schools, of Section 267-104, Adequate public facilities, of Article XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of County Council Bill 07-01, as amended, as enacted by the Council on February 6, 2007, be, and it is, hereby, repealed and reenacted, with amendments, all to read as follows:

Chapter 267. Zoning.

Part 6. Growth Management.

Article XXI. Public Facilities.

Section 267-104. Adequate public facilities.

A. Annual growth report.

(3) Specific facility analysis – The annual report shall include an analysis of the current and future utilization and capacity of specific public facilities and services. The analysis shall include, but need not be limited to the following information:

(a) Schools.

(1) Full – time enrollment for each school district; as of September 30, or as of any other official reporting date as set by the State Board of Education or the County Board of Education[.];

1 (2) Rated capacity and utilization percentage of each school facility, with
2 capacity based on [a standard of 25 students per classroom for regular
3 classes and 10 students per classroom for special education classes,
4 exclusive of relocatable or portable classrooms.] THE STATE RATED
5 CAPACITY;

6 (3) One-year, 2-year, 3-year, 4-year and 5-year enrollment projections for
7 each facility, including a description of the method of projecting
8 enrollment in each facility;

9 (4) Pupil yield factor by school level for each type of dwelling unit;

10 (5) List of approved capital projects for new or expanded school facilities and
11 the identified schools that will be relieved, including projects enrollment
12 and opening date;

13 (6) School districts map for each level of school facilities; and

14 (7) Modified enrollment projections for each district which include planned
15 units remaining (recorded lots and units projected from approved
16 preliminary plans) and projected units from vacant land zoned for
17 residential purposes.

18 B. Adequacy standards (minimum acceptable of service).

19 (1) Testing for adequate school capacities as provided under Subsections 2 (a)

20 (1) (a) and (b) shall occur on December 1 and June 1 of each year. If such
21 testing reveals that the enrollment at any school exceeds the STATE rated
22 capacity as provided under 2(a)(1)(a) or (b) the Annual Growth Report shall

1 be amended to reflect these changes and the amendments shall be presented
2 to the County Council.

3 (2) Residential development. Approval of residential subdivision plans and
4 site plans for multi-family development shall be subject to findings of
5 adequate capacity based on the standards set in this subsection, and the
6 current and projected use level described in the annual growth report:

7 (a) Schools.

8 (1) Preliminary approval. Preliminary subdivision plans exceeding
9 five lots and site plans for multi-family residential developments
10 exceeding five dwelling units shall not be approved at locations
11 where either of the following conditions exists:

12 (a) The enrollment at the elementary school which serves the
13 site is greater than 105% of the STATE rated capacity, or is
14 projected to be greater than 105% within 3 years; or

15 (b) The enrollment of either the middle school or high school
16 which serves the site is greater than 105% of the STATE
17 rated capacity, or is projected to be greater than 105% within
18 3 years.

19 (2) Conditional review. If Paragraphs (2)(a)(1)(a) or (b) of this
20 subsection prevent approval of a preliminary subdivision plan
21 or a site plan, the Department of Planning and Zoning may
22 proceed with conditional review of the plan and place it on a
23 waiting list arranged by date of completion of the review.

Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the county until the plan for the project is removed from the waiting list and preliminary approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Paragraphs (2)(a)(1)(a) or (b) of this subsection no longer exists.

(3) Capital Project. A preliminary subdivision plan or a site plan may be approved when the enrollment of a school serving the site is greater than 105% of the STATE rated capacity if the following conditions exist:

(i) The approved capital budget contains a capital project that has appropriations sufficient to fund the construction of a new school, a school addition or school renovation which upon completion will reduce the enrollment at the school which serves the site below 105% of the STATE rated capacity;

(ii) Actual construction of the capital project has begun; and

(iii) The capital project is scheduled to be completed and operational within 1 year.

1 (4) Exemptions. The provision of this subsection shall not apply to
2 transient housing, housing for the elderly and continuing
3 care retirement communities.

4 Section 2. And Be It Further Enacted, that this Act shall take effect 60 calendar days from
5 the date it becomes law.

EFFECTIVE: June 15, 2007

*The Council Administrator does hereby certify
that fifteen (15) copies of this Bill are immediately available
for distribution to the public and the press.*



Council Administrator

BILL NO. 07-10HARFORD COUNTY BILL NO. 07-10Brief Title Adequate Public Facilities – Schools Capacity

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. O'Connor
Council Administrator

Date April 3rd, 2007**ENROLLED**

Billy Bonface
Council President

Date April 3rd, 2007**BY THE COUNCIL**

Read the third time.

Passed: LSD 07-10

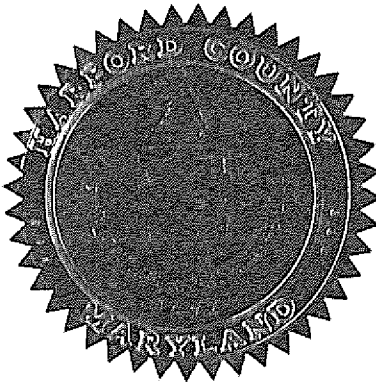
Failed of Passage: _____

By Order

Barbara J. O'Connor
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4th day of April, 2007 at 3:00 p.m.

Barbara J. O'Connor
Council Administrator

**BY THE EXECUTIVE**

David R. Craig
COUNTY EXECUTIVE

APPROVED: Date April 16, 2007**BY THE COUNCIL**

This Bill No. 07-10 having been approved by the Executive and returned to the Council, becomes law on April 16, 2007.

EFFECTIVE DATE: June 15, 2007

Barbara J. O'Connor
Barbara J. O'Connor,
Council Administrator

BILL NO. 07-10